



**Illinois Department of Transportation**  
Office of Finance and Administration  
2300 South Dirksen Parkway / Springfield, Illinois / 62764

# **REQUEST FOR PROPOSALS (RFP) 14-1-DPIT**

## **ADDENDUM NO. #6 MULTI-STATE**

## **LOCOMOTIVE PROCUREMENT**

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The purpose of this addendum is to transmit “Questions and Answers Set #4.”

In addition, this addendum includes a revised Attachment NN “Small Business Enterprises Participation and Utilization Plan” which will be posted separately on the Illinois Transportation Procurement Bulletin.

Also, to ensure that IDOT can provide any needed changes to the RFP or other new information prior to the due date for Draft Offers, the Procurement Schedule item “Last Addendum issued prior to Offer due date...” will be changed from 9/19/13 to 9/24/13. Please note that no additional questions will be accepted until Confidential Discussions are held.

Also, the scheduled dates for Confidential Discussions have



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been moved to the week of October 21 to October 25 to provide Offerors an additional week to develop their Final Offers following Confidential Discussions.

All other terms and conditions of the original RFP Notice and any addenda are unchanged. IDOT will continue to publish addenda to provide responses to vendor questions as required.

Please check the Illinois Transportation Bulletin daily. Email Solicitation Contact Dante Watson at [Dante.Watson@Illinois.gov](mailto:Dante.Watson@Illinois.gov) for questions concerning this addendum and the RFP.

**September 19, 2013**



## Questions and Answers Set #4

139	<p>The RFP states:</p> <p>"A. Contract Participation to be achieved by the Vendor: This contract includes a specific Small Business Enterprise ("SBE") utilization goal of 7% of the total contract price. For purposes of meeting this goal, only participation by those businesses meeting any one of the definitions of a "Small Businesses Enterprise" as defined below shall be counted towards the goal.</p> <p>B. Eligibility: In order to be eligible for award of this contract, the Vendor must meet the 7% Small Business Enterprise utilization goal. The intent of the goal is to maximize practicable opportunities for participation by certified Small Business Enterprises as defined herein."</p> <p>IDOT has required that the Vendor meet the stated 7% goal of SBE participation in order to be considered for award of this contract. Our past experience with attempts to meet even much lower percentages would support the conclusion that, while this might be a laudable goal, being required to meet that level of participation for consideration is not feasible perhaps owing to the uniqueness of manufacturing new locomotives, their components and subcomponents. Offeror is not permitted to state that it has met this goal upon proposal submission if in fact we have firm knowledge that we cannot. We would think that other OEMs would face a similar challenge.</p>	<p>Vendor's alternative suggestion to use TVM will not be adopted. Liquidated damages language has been updated.</p> <p>The language of Attachment NN has been revised to provide that the Vendor must provide a commitment to meet the goal and a uplan with proposed firms at the time Final Offers are due. Within 10 days of the submission of the Final Offer, the Vendor must submit Letters of Intent with each SBE. These documents will be evaluated to ensure conformance with the 7% SBE goal.</p>
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<p>However, as an alternative, The Federal Department of Transportation (DOT) has established that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of 49 C.F.R. § 26 and has obtained 49 C.F.R § 26.49 certification with an approved DBE goal, in part to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs, to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts and to foster small business participation.</p> <p>A great deal of time and effort, both DOT and TVM respectively, has gone into the development and implementation of an extensive program that meets all requirements of 49 C.F.R. § 26. The DOT has stated that it is not including FRA programs under this rule because FRA does not have a specific DBE program statute parallel to those covering the FAA, FTA, and FHWA. In the absence of a pre-established specific DBE program statute from the FRA and in consideration of 49 C.F.R. § 26.3 (a)(2), requiring the application of 49 C.F.R. § 26 to Federal transit funds authorized by Federal transit laws in Title 49, would the FRA and the States consider the Vendors current certification to 49 C.F.R. § 26 as compliant to Attachment NN – DBE Participation and Utilization Plan? If not, would the States consider revising the language in the RFP to reflect that the SBE level is a goal for</p>	
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	<p>which there will be a plan submitted, but that the commitment of 7% before proposal date or during the contract is not a requirement to propose, be awarded or execute the contract? Lastly, the penalty for committing to 7% and not being able to achieve it during the life of the contract appears to be the potential assessment of liquidate damages but no criteria for determining if such an action would be taken and the amount of this penalty is not quantified in any way. Could you please clarify?</p>	
140	<p>Please confirm that self-insurance is acceptable for a portion of the Commercial General Liability limits, with the balance covered by an umbrella liability policy.</p>	<p>Self-Insurance is not acceptable.</p>
141	<p>What special conditions, if any, need to be accounted for to incorporate the locomotive manual set into the WMS (work management system)? Can standard .pdf files types be used?</p>	<p>The format of the manual can be in pdf or other standard text systems. However, the data must remain in the same locations within the manual over time and revisions as Amtrak sets references to specific locations in their control documents.</p>



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142	<p>Please confirm that the definition of “Subcontractor” in the RFP, page 7 is the overriding definition for “subcontractor” throughout all RFP documents issued for Project Number 14-1-DPIT.</p> <p>To eliminate confusion and to create consistency amongst the definitions, Bidder requests that the “Subcontractor” definition in the RFP Definitions and the Specification, Section 2.3 Definitions be replaced in with:</p> <p>“Subcontractor: Any person, firm, partnership, corporation or other entity, other than employees of the Vendor, that is hired by the Vendor to perform a portion of the contract work from the Vendor and perform work and/or furnish labor and/or materials, directly on the vehicle under this Contract on behalf of the Vendor and in fulfillment of Vendor obligations. For purposes of financial disclosures and conflicts of interest, a subcontractor is any person, firm, partnership, corporation or other entity, other than employees of the Vendor, that is hired by the Vendor to perform a portion of the contract work from the Vendor and perform work and/or furnish labor and/or materials, directly on the vehicle under this Contract on behalf of the Vendor and in fulfillment of Vendor obligations.”</p> <p>The above definition is the same as what was included in the RFP Definitions, except that the following</p>	<p>The RFP Definition of Subcontractor is revised to:</p> <p>Subcontractor: See Technical Specification Section 2.3. For purposes of financial disclosures and conflicts of interest, a subcontractor is any person or entity that enters into a contractual agreement with a total value of \$50,000 or more with the Vendor pursuant to which the person or entity provides some or all of the goods or services for the Ordering Agreements. Notwithstanding the foregoing, any person or entity that enters into a contractual agreement with the Vendor to supply raw materials or a commercially available off the shelf product shall not constitute a subcontractor for the purposes of financial disclosures and conflicts of interest. See 30 ILCS 500/50-13 and 30 ILCS 500/50-35 as the statutes governing this definition and requirement for financial disclosures and conflicts of interest.</p>
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	sentence was removed: "To the degree that the definition in the Technic145al Specification Section 2.3 is inconsistent with this definition, this definition will have priority."	
143	The Specification includes multiple references to the Cab Signal system. Please define the requirements for Cab Signal.	None of the Base Order or WSDOT Option Locomotives require Cab Signal. It is a possibility that Option orders for Similarly Configured or Long Distance locomotives may require cab signal and that requirement will be defined by a future ordering agreement(s) for those locomotives when the options are assigned to JPEs. The PRIIA 305-005 Specification being a general industry specification addresses that potential requirement.
144	Will the customer supply the four PRIIA compliant cars or approved equal cars for the locomotive track test?	Eight (8 ea) PRIIA bi-level cars (or equivalent) will be available for the track tests at TTCl. Offerors do not need to include cost for the cars.



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145	<p>For pricing evaluation, please define what items will be included in the request for Samples.</p>	<p>IDOT/Caltrans/JPEs will not require extra sample materials over and above those items identified in the technical specification and contract documents.</p>
146	<p>The Software Escrow Account states in part that:</p> <p>“The escrow materials shall immediately be obtainable and usable by IDOT, Caltrans, and JPEs in the event that Vendor fails to support the continued use of the Proprietary Software by IDOT, Caltrans, and JPEs, or upon termination or expiration of the term of the escrow.”</p> <ol style="list-style-type: none"><li>1. Please advise how long the customer requires the contractor maintains the escrow account.</li><li>2. Are bidders to assume that the customer’s intent is to keep the vendor’s proprietary information at the end of the term of the escrow?</li></ol>	<p>The required time period for the Software Escrow is 25 years or the life of the locomotive, whichever comes first. Details will be included in the Software Escrow Agreement, which will be developed after award of contract.</p> <p>The status of the vendor’s proprietary information at the end of the escrow term will be negotiated as a feature of the Software Escrow Agreement. The retention of the IP is not envisioned to be of interest to be retained if the Vendor is still in business and supporting the locomotives or if the locomotives are no longer in service.</p>





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147	<p>The ability to comply with the requirements of Attachment NN, regarding Small Business Enterprises participation and utilization plan (SBE), is extremely challenging given the short time available for bid preparation, which may result in the inability to submit a compliant bid. The offeror requests consideration for relief on said requirement, specifically regarding the determination and qualification of suitable SBEs including the required submission of fully executed Letters of Intent (LOI). The offeror respectfully requests 3 alternatives:</p> <ol style="list-style-type: none"><li>1) That the requirement be removed in its entirety.</li><li>2) That at tender phase the offeror is required to solely commit to the utilization goal of 7% of the total contract price however will provide required details at a later date. (e.g. at the revised offers due date)</li><li>3) That in order to accommodate the SBE participation requirement, a two month extension for submitting the bid will be provided, with the clear understanding that the end delivery date of the 32 locomotives remains unchanged.</li></ol>	<p>Vendor's alternatives were considered and alternative (2) was adopted. At the time Final Offers are due, the Vendor must provide a commitment to the 7% SBE goal and a utilization plan with SBE information. Details regarding each SBE, called the Letters of Intent, must be provided within 10 days of the Final Offer.</p>
148	<p>Regarding required IETMS and ITCS equipment for the locomotive. In order for the offeror to include the requested IETMS and ITCS systems correctly in the offer package the offeror kindly ask for clarification which JPE (base and option order incl. long distance locomotives) will require which system to be installed on its</p>	<p>Fully functional IETMS, ITCS, and XITCS are required for all Midwest Coalition locomotives. The balance of the base order locomotives and the WSDOT option locomotives will require IETMS and XITCS. None of the base order or WSDOT option locomotives require cab signal.</p>



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	<p>respective locomotive and which wayside communication has to be considered for each JPE (base and option order incl. long distance). Please also confirm that the requested IETMS and ITCS system shall be included in the pricing for the base and all option orders including long distance locomotives.</p>	<p>As future JPE participants are not exclusively defined at this time similarly configured Option locomotives should also be assumed to be equipped with the combination of IETMS and XITCS only.</p> <p>Long Distance Locomotives are anticipated to require IETMS and ITCS, and may require additional systems to be defined by potential future ordering agreement(s).</p> <p>These requirements, especially for Option locomotives, may be modified by potential future ordering agreements or change orders. The price of these systems and their required communication systems shall be included in all base and option locomotive pricing as appropriate.</p>
149	<p>Offeror requests that IDOT provide webinar training (or another similar format) for Standardization, like the Buy America webinar held by the FRA on August 27, 2013.</p>	<p>Webinar training from FRA is not currently available. Please see NGEC report "Independent Review of NGEC Standardization Process" on the NGEC website at:</p> <p><a href="http://www.hightspeed-rail.org/Documents/Standardization/305_Standardization_NGEC_Rpt_3-12.pdf">http://www.hightspeed-rail.org/Documents/Standardization/305_Standardization_NGEC_Rpt_3-12.pdf</a></p>
150	<p>Regarding: Attachment DD, Indemnification and Liability: This provision states in part that "Neither Party shall be liable for incidental, special, consequential or punitive damages." Please clarify if the customer's intent is that "consequential damages" include indirect damages.</p>	<p>Yes, consequential damages include indirect damages.</p>



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153	<p>For the Letters of Intent from a qualified bonding company, please provide the addresses for:</p> <ol style="list-style-type: none"> <li>1) Illinois Department of Transportation (IDOT)</li> <li>2) Washington State Department of Transportation (WSDOT)</li> <li>3) California Department of Transportation (Caltrans)</li> </ol>	<p>Letters of Intent must be submitted with the Offer documents to the Solicitation Contact named in the RFP.</p> <p>In addition, if Offerors wish to send the Letters of Intent to each agency, addresses for each agency are:</p> <ol style="list-style-type: none"> <li>1) For IDOT: Illinois Department of Transportation, James R. Thompson Center, 100 W. Randolph Street, Suite 6-600, Chicago, Illinois, 60601, Attn. John Oimoen</li> <li>2) For WSDOT: For deliveries from USPS; Washington State Department of Transportation, Rail Division, PO Box 47407, Olympia, WA 98504-7407, For deliveries from FedEx, UPS, Courier, etc; Washington State Department of Transportation, Rail Division, 310 Maple Park Ave SE, Room 3D3, Olympia, WA 98501</li> <li>3) For Caltrans: Caltrans Division of Rail, Rolling Stock Procurement, MS 74, 1120 N Street, Rm 3400, Sacramento, CA 95814.</li> </ol>
154	<p>The "State of Illinois Small Business Enterprises Participation and Utilization Plan" document in the RFP includes a "DRAFT" watermark. Does IDOT intend to issue a final version of the document?</p>	<p>Yes, the Draft watermark will be removed and a final document will be provided.</p>
155	<p>Offeror requires clarification regarding the 7% SBE goal.</p> <p>Is the 7% a requirement for award or a best efforts goal?</p>	<p>The 7% SBE goal is required. No best efforts will be accepted.</p>
156	<ol style="list-style-type: none"> <li>1) PRIIA Specification Section 19.4 requires "The contractor shall, within 120 days following award of the contract, submit to the</li> </ol>	<ol style="list-style-type: none"> <li>1) Technical Specification 19.4 is the correct timeline. CDRL #20 will be changed to reflect 120 days.</li> <li>2) Attachment EE, Appendix A is the correct</li> </ol>



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	<p>Customer for review and approval a detailed Test Plan which shall satisfy the requirements of this section”.</p> <p>The Contract Deliverable Requirement List, CDRL #20 requires “Inspection and Test Plan” to be submitted 30 days after NTP.</p> <p>Please clarify which of these requirements rules for this contract.</p> <p>2) This same question applies to item #14 of the Contract Deliverable Requirement List, which reads “Domestic Content Improvement Plan (DCIP)....30 days NTP.” This contradicts Section 1 of Attachment EE—Appendix A (p.10) which indicates “120 days of NTP.” Please clarify which of these requirements rules for this contract.</p>	<p>timeline. CDRL #14 will be changed to reflect 120 days.</p>
157	<p>Please define the amount of SBE liquidated damages, and the resolution/effort that will stop the SBE liquidated damages.</p>	<p>Liquidated damages clause is updated to provide a dollar-for-dollar amount for damages. Meeting the 7% SBE participation by the end of the contract will prevent an assessment of liquidated damages for this provision.</p>
158	<p>Please confirm that SBE Liquidated Damages are included in the 10% Contract limit (cap) referenced in Supplemental Provisions 13.3.1.</p>	<p>Yes, the SBE Liquidated Damages are included in the 10% contract limit (cap) referenced in Attachment EE, Appendix A, Section 13.3.1.</p>



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159	<p>The Answer is blank for Addendum No. 3 Question No. 24, "What is the projected 2014 hourly rate including fringe benefits and overhead for an IDOT/JPE mechanic?" That question is in reference to the requirement to reimburse IDOT/JPE or agents for costs related to performing warranty repairs. If the customer's maintenance providers are agents for IDOT/JPE, the labor rate is necessary to calculate potential reimbursement. However, the Answer to Question No. 115 includes the statement, "IDOT/JPE will not provide manpower to perform repairs." If IDOT/JPE manpower will not be available, what is the 2014 hourly rate including fringe benefits and overhead for an IDOT/JPE maintenance provider mechanic?</p>	<p>Our apologies for the confusion. This question was answered in Addendum 5, Question #130, which stated:</p> <p>Maintenance will likely be contracted out to a contracted maintainer. There is no projected 2014 hourly rate including fringe benefits and overhead for an IDOT/JPE mechanic. For Offer estimates, Offerors can use a rate of \$100 per hour if needed.</p>
160	<p>Which IDOT/JPE facilities have labor agreements/work rules that will not allow Vendor employees to perform work at the facility?</p>	<p>All IDOT/JPE facilities are currently operated by a contract maintainer. The contractor will need to negotiate access with the maintainer.</p> <p>For WSDOT: At this time, there are no agreements/work rules that prohibit the Vendor employees from performing delivery/warranty work at the facility listed in the RFP or ordering agreements.</p> <p>For cost analysis for the offers, Offerors may assume a labor rate of \$100/hr.</p>



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161	<p>The Shipment Section 15.2 in the Supplemental Provisions requires that all locomotives be shipped via passenger train while in North America unless otherwise approved by IDOT/JPE.</p> <p>If Offeror does not have direct access to passenger train service at point of shipment, will IDOT/JPE waive this requirement?</p>	<p>The requirement will not be waived, although IDOT/JPE may approve alternative methods as stated in Section 15.2.</p>
162	<p>The Supplemental Provisions, Shipment Section 15.2 states that all locomotives shall be supplied with potable water and with all systems fully functional to support an onboard escort during shipping.</p> <p>Is the Offeror required to provide the onboard escort, or will IDOT/JPE provide the escort and does this apply to all locomotives?</p>	<p>The shipment requirements of Section 15.2 apply to all locomotives. IDOT/JPE will determine which locomotives will be escorted and where the escorts will board and disembark in transit.</p> <p>The on-board escort, if needed will be provided by IDOT/JPE.</p>
163	<p>Please indicate when IDOT intends to issue the Ordering Agreement information for each JPE as indicated in Addendum No. 1, Q&amp;A No. 4, 5, and 49.</p>	<p>The following categories of information may be included in the Ordering Agreements. However, this list is preliminary and subject to change in the executed Ordering Agreement between the JPE and the Vendor.</p> <ul style="list-style-type: none"><li>• Number of Locomotives in Base Order</li><li>• Locomotive delivery locations</li><li>• Delivery location for spare parts, special tools, diagnostic equipment, and manuals</li><li>• Training location</li><li>• Warranty field office location</li><li>• Customer variables</li></ul>



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		<ul style="list-style-type: none"><li>• Invoicing address</li><li>• Taxes</li><li>• Terms and Conditions</li></ul>
164	<p>Please clearly identify which documents, by name, included in the RFP will form part of the Master Agreement and the order of precedence.</p> <p>Also, please indicate which documents, issued with the RFP will form part of the specific JPE Ordering Agreements.</p>	See Response to Addendum 1, Question 51.
165	<p>Please clarify the revised schedule addressed under Addendum 4. Do Draft Offers need to include all completed sections besides Pricing?</p>	Yes, Draft Offers need to include all completed sections besides Pricing.
166	<p>For the Draft Offer, we are concerned about completing various sections which require 3rd party inputs for example, Buy America, SBE, etc. Therefore, we request draft submission to at least be extended by 2 weeks to October 17th to provide the Offeror time to formulate a more comprehensive response.</p>	No extension will be granted at this time. As this is a Draft Offer, Offerors are encouraged to include as much information as available in the Draft Offers relating to all requirements in the RFP. Information as to the Offerors expectation of meeting all Buy America requirements or likelihood of requesting Buy America waivers is highly encouraged even if not finalized. Do not include any price information with the Draft Offer.



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167	Can revisions, additions, and/or deletions be made to all sections of the Draft Offer after the October 3rd submittal, in preparation for the Final Offer submittal on November 27th?	Draft Offers will not be used in the Evaluation of Final Offers. It is understood that some information in a Final Offer will be revised, added, deleted, or otherwise modified from the Draft Offer. Final Offers are to be a complete document in their entirety. The Offeror should incorporate all revisions into the Final Offer.
168	Given the revised schedule issued in Addendum No. 4, is the question submittal deadline still Sept. 12th? Offeror respectfully requests an extension of that deadline to September 20th.	No extension will be granted at this time. Additional questions can be submitted at and after Confidential Discussions and prior to the last day to submit questions (Nov. 7, 2013) before the Final Offer.
169	Would it be acceptable for Offeror to make express warranties and operational design characteristics based on the Technical Specifications?	No.
170	Please confirm that the reliability standards in the Technical Specifications do not change the Vendor's warranties or maintenance guidelines.	The Technical Specification developed by the NGEN with industry involvement sets reliability standards that are expected to be fulfilled by the product of the selected Vendor. IDOT/Caltrans have no ability to evaluate the potential impact on the existing warranties or maintenance guidelines of the various Offerors in achieving those standards.
171	Can you please clarify the scenarios under which software, source code, etc. would be released from escrow other than as set forth in the RFP?	The scenarios under which software, source code, etc. would be released from escrow will be determined in the Software Escrow Agreement, which will be developed after Notice to Proceed. Presently we do not anticipate scenarios under which software, source code, etc. would be released from escrow other than as set forth in the RFP.





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172	What is the process to resolve any disputes when the parties cannot come to agreement on an IDOT/ JPE change request?	Please see Attachment EE, Appendix A, Section 10.3.3 “Claims Process” in which the Vendor is directed to “pursue further resolution through the State of Illinois dispute process. Alternative methods may be defined as part of the Master Agreement.
173	Is it anticipated that the Master Agreement will incorporate all of the various terms and conditions from the various JPE’s to avoid conflicts and ambiguities?	See Response to Addendum 1, Question 51.
174	Can you provide the number of days to cure as mentioned in Attachment DD, 1.3.1, or is it implied that it will be a reasonable time?	IDOT or Caltrans shall decide on a specified period of time on a case-by-case basis.
175	Upon a termination for convenience, will Vendor be paid for work performed to date of termination or will IDOT/ JPE return all materials and equipment not paid for?	In the event that IDOT terminates under Attachment DD, Section 1.4, IDOT intends to pay for completed goods delivered and accepted, as long as those goods are not otherwise disputed.
176	The end of the second paragraph of Section 5.2 of the Specific Terms and Conditions states, “In the event of more stringent requirements of Technical Specifications that specification will govern.” To what other specifications is IDOT referring?	The sentence will be deleted in a future revision for Section 5.2 of the Specific Terms and Conditions.
177	To the extent IDOT/ JPE requires new or additional testing not set forth in the Master Agreement of the Technical Specifications, will such testing be at IDOT/ JPE’s sole cost and	Any unanticipated testing beyond that defined within the RFP and Technical Specification would result in a change order to be negotiated with the contractor.



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	expense?	
178	Will the Master Agreement define Technical Specifications such that use of the terms dimensions, materials, standards, requirements, tolerances, etc. used throughout the RFP will be incorporated into the "Technical Specification" (as defined in the Master Agreement) such that the use of such terms will be clarified and replaced with Technical Specifications?	The Master Agreement will be the contractual document, which will incorporate the Technical Specification under which the selected Vendor will provide products and services which meet that specification. Any terms which require further definition will be addressed in developing the Master Agreement.
179	This section requires compliance with 49 C.F.R. 18.20 which applies to cost type contractors. Since this is a fixed price procurement it is not clear this applies. Please provide examples or detail of financial and cost reporting required from the contractor.	IDOT, Caltrans, and JPEs must comply with 49 C.F.R. 18.20. In order to ensure that IDOT, Caltrans, and JPEs meet their obligations under Part 18.20, the requirements contained therein are passed down to the Vendor; however, it is not expected that the Vendor's own accounting records comply with Part 18.20, only that the Vendor is aware of and able to provide IDOT, Caltrans, and JPEs with the information necessary for the states to comply.
180	Please explain the benefits that accrue to the purchaser of this equipment for buying the vehicle with the lowest P2 forces.	The NGEC developed the Technical Specification with input from a wide variety of stakeholders who deemed the Technical Specification to be beneficial. No additional information will be offered.



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181	Please clarify whether or not the forms need to be signed for the Draft Offer submittal.	No, forms do not need to be signed for the Draft Offer, although Offerors can submit signed forms with their Draft Offer if they choose.
182	RFP Section A.8 SUBMISSION OF OFFERS, p. 15 - Does this section apply to the Draft Offer submittal (i.e. separately sealed packets, 1 original, 8 copies, 1 CD per packet, etc.)? If not, please indicate what's required.	Yes, please provide the required number of copies of the Draft Offer as described in RFP Section A.8.
183	Will Draft Offers become public record through the Illinois Freedom of Information Act?	Draft Offers are subject to the Illinois Freedom of Information Act (5 ILCS 140) ("FOIA") and the Illinois State Records Act (5 ILCS 160). FOIA provides, in part, "[i]nformation prepared...for the [State Agency] in preparation of a bid solicitation shall be exempt [from disclosure] until an award or final selection is made." Draft Offers will become part of the procurement file. Vendors are encouraged to consult with legal counsel regarding claims for exemptions from disclosure for proprietary, privileged, or confidential information under FOIA law.
184	Is the Evaluation Committee going to assign relative weights in point format to the Draft Offers, as outlined in the RFP, Section B.4, p. 37? If so, will the scores be shared with the Offeror?	No, Draft Offers will not be scored or evaluated but they will be evaluated for conformance with requirements. Draft Offers will be reviewed in preparation for Confidential Discussions.



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185	<p>Are the Confidential Discussions regarding the Draft Offers going to take place with members of the Evaluation Committee?</p>	<p>Members of the Evaluation Committee may or may not be present during Confidential Discussions. Members of the Evaluation Committee will not be identified during Confidential Discussions. Please see Addendum 1, Question #9.</p>
186	<p>Does the Confidential Discussions Section B.12 apply to the Draft Offers?</p> <p>“Confidential Discussions: The Evaluation Committee may choose to hold Confidential Discussions with Offerors if it is in the interests of IDOT, Caltrans and WSDOT. If Confidential Discussions are held, <u>each</u> Offeror will be required to attend for the purpose of discussing their Offer in detail. The Offerors will be notified of any questions or requests for additional information and will attend confidential discussions with the Evaluation Committee to discuss answers to written or oral questions on any facet of the Offer.</p> <p>The Offeror may bring up to five (5) people to the confidential discussion. To the maximum extent practical, the Offeror will address the major concerns of the Evaluation Committee, as expressed in the discussion agenda prepared by the Evaluation Committee and distributed to the Offeror in advance of the discussion, and should be prepared to answer any questions. The participants will then proceed to discuss each of the agenda items.</p> <p>The Evaluation Committee will not make counter offers to an Offeror’s proposed solution to the RFP</p>	<p>Yes. Revised Offer(s) shall be read as Final Offer(s).</p>



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	<p>requirements. The Evaluation Committee will only identify its concerns, ask for clarification, and express its reservations if a particular requirement of the RFP is not, in the opinion of the Evaluation Committee, appropriately satisfied. The primary purpose of this discussion is to ensure that the Offeror's Revised Offer will be responsive.</p> <p>If, after full discussion with an Offeror, the Evaluation Committee is of the opinion that the Offeror's Offer cannot be restructured or changed in a reasonable time to satisfy the needs of the RFP, and that further discussion would not likely result in an acceptable Offer in a reasonable time, the Offeror will be given written notice that a Revised Offer submitted along such lines would not be accepted."</p>	
187	<p>Would IDOT please define what is meant by a Draft Offer.</p>	<p>The purpose of the Draft Offer is to provide an "almost Final Offer" in order to identify any weak or faulty technical or administrative aspect of the Offer which, if not corrected, could cause the Final Offer to be rejected.</p> <p>The Draft Offer package should be as complete as possible in every respect as required by the RFP, except price. <i>The inclusion of price information in the Draft Offer shall be grounds for rejecting the Offer and notifying the Offeror that further participation in the procurement is prohibited.</i></p>



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		<p>The Draft Offer will be submitted for the purpose of allowing each Proposer to provide a detailed description of its Offer to allow the Evaluation Committee to determine at an early stage whether the Offer is responsive to all the requirements of the RFP, and if not, which elements are not responsive and what changes are required to make the Offer responsive.</p> <p>Upon receipt of the Draft Offers, the Evaluation Committee will review each Offer in accordance with the evaluation process outlined in the RFP for the purpose of identifying areas in which the Offer is not responsive to a requirement, is otherwise defective, or in which additional clarification is required in order that the Evaluation Committee may fully understand the ramifications of an action proposed by the Proposer.</p>
188	Does IDOT have an existing EMCCP Control Plan Vendors are required to comply with, per APTA SS-E-010-98. If so, please provide.	IDOT does not have an EMCCP Control plan in place at this time. An EMCCP Control Plan is being produced by the carbuilder for the PRIIA bi-level railcars. The Plan complies with, per APTA SS-E-010-98, 013-99, EN50121-3-2, IEEE 1100-2005 and other standards.
189	Regarding Capital Spares Item # 13 - Loco Set Hardware, Doors; please clarify the material required. Is this a request for a complete set of locomotive carbody doors or crew entrance/egress doors only? Or the door hardware only (hinges, locks, handles)?	The requirement is for a locomotive set of door hardware, as stated.



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190	Regarding Capital Spares Item # 29 - Cab Signal / ATC System, complete. Customers typically specify the manufacturer and model of this system. Can IDOT provide the relevant information for this procurement?	Spares Item #29 may be marked as NA. None of the Base Order or WSDOT Option Locomotives require Cab Signal. It is a possibility that Option orders for Similarly Configured or Long Distance locomotives may require cab signal and that requirement will be defined by a future ordering agreement(s) for those locomotives when the options are assigned to JPEs. The PRIIA 305-005 Specification being a general industry specification addresses that potential requirement
191	Regarding Capital Spares Item # 30 - Cab signal track receivers. Customers typically specify the manufacturer and model of this component. Can IDOT provide the relevant information for this procurement?	Spares Item #30 may be marked as NA. None of the Base Order or WSDOT Option Locomotives require Cab Signal. It is a possibility that Option orders for Similarly Configured or Long Distance locomotives may require cab signal and that requirement will be defined by a future ordering agreement(s) for those locomotives when the options are assigned to JPEs. The PRIIA 305-005 Specification being a general industry specification addresses that potential requirement
192	Regarding Capital Spares Item # 32 - ADU / Speedometer. Customers typically specify the manufacturer and model of this component. Can IDOT provide the relevant information for this procurement?	The Offeror may propose a system of their choosing and must describe within the offer, the system being proposed.
193	In certain instances, a Capital Spares Part is duplicated in the Service Spare Part list for our locomotive design. Should these items be priced as both Capital Spares and Service Spares? If not both, which one? If just one, how	Yes, price both list of Capital and Service Spares. The RFP allows for Offeror recommendations regarding spares, which are not to be priced, in Attachment EE – Appendix H.



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	should this be noted on our response?	
194	Certain spare parts listed are not applicable to the design of our locomotive. How should we respond to these line items?	Respond with NA regarding items not required in Attachment EE Appendix I. If an item is marked NA and an alternative part is required by the design please include and note that item. If certain items listed are not part of an Offeror's design, please also note it in the technical description, within the offer.
195	Attachment GG, Section 6 requires Vendor to assume existing collective bargaining agreements of a prior employer. Do any such agreements exist which a prospective Vendor is expected to assume?	IDOT/Caltrans do not have an existing contract with a Vendor to provide the services that will be provided under the Master Agreement resulting from this procurement.
196	<p>Paragraph f (Allowable Costs) of the referenced Attachment requires costs meet federal cost principles as applicable prior to reimbursement. OMB Circular A-87 is specifically referenced, which then, in turn, makes subawards subject to the federal cost principle applicable to the organization receiving the subaward.</p> <p>Does this requirement then make the Cost Principles in FAR 31.2 applicable to costs proposed by commercial organizations? If so, must proposed costs meet the requirements of FAR Part 31.2?</p>	Yes, the Cost Principles in FAR 31.2 would apply to the Vendors' costs.





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197	<ol style="list-style-type: none"><li>1. The RFP in Appendix A, paragraph 10.8 requires a detailed estimate of direct and indirect costs. For contractors who do not prepare separate indirect cost estimates, is any specific format required for the estimate?</li><li>2. Must indirect costs included in the proposed price meet the requirements of the Cost Principles in FAR 31.2?</li></ol>	Vendors are expected to comply with all applicable State and Federal laws and regulations. The Cost Principles in FAR 31.2 apply to this procurement.
198	<ol style="list-style-type: none"><li>1) Regarding tax exemption, will the State of IL supply the certificate required to complete Form RUT-7, Rolling Stock Certification? Or will the Vendor include Illinois State Sales Tax in the base order pricing for all locomotives accepted in Illinois?</li><li>2) Will the Vendor include Washington State Sales Tax and the Business &amp; Occupation tax in the base order pricing for all locomotives accepted in Washington?</li><li>3) Will the Vendor include California State Sales Tax in the base order pricing for all locomotives accepted in California?</li></ol>	<ol style="list-style-type: none"><li>1) IDOT: There will be no Illinois State Sales Tax collected / required.</li><li>2) WSDOT: Yes</li><li>3) Caltrans: Yes, include all applicable taxes including California State Sales Tax in pricing, which are to be itemized separately in invoicing.</li></ol>
199	What is the required invoice term for milestone payments?	<p>The invoice term for properly submitted invoices are as follows:</p> <ol style="list-style-type: none"><li>1) IDOT: 60 Days</li><li>2) WSDOT: 30 Days</li><li>3) Caltrans: 45 Days</li></ol>



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200	<p>Is the intent that the Vehicle/Track Interaction monitor will be installed on every locomotive or only on a portion of the units in each customer's fleet?</p>	<p>The Vehicle/Track interaction monitor is to be installed on every locomotive.</p>
201	<p>Typically, the Head End Power kW required for heating is greater than that required for cooling. The Power Factor (PF) also differs between heating and cooling modes with the resistive heating load having a power factor much closer to unity than the reactive air conditioning load.</p> <p>Can consideration be given for rating the HEP system for the Long Distance Optional Locomotives in terms of kVA + PF rather than kW? (Example: HEP rating = 950 kVA @ .85 power factor for cooling and .95 power factor for heating)</p> <p>This would enable the differing electrical characteristics (PF) between heating and cooling equipment to be incorporated in a HEP system design that is optimized for both heating and cooling modes rather than being sized for a worst case rating point (heating kW rating + cooling Power Factor rating) that is not encountered in practice. If not taken into account, the difference between heating and cooling equipment electrical characteristics results in a sub-optimal HEP system design with unnecessary</p>	<p>No. For purposes of the review of the offers, HEP rating logic will be consistent for all types of equipment. During design reviews, alternative means of rating HEP load may be considered, if beneficial.</p>



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	equipment size, weight, cost and potentially other locomotive system characteristics.	
202	For the Long Distance Optional Locomotives, do the variances to the Technical Specification for increased fuel tank capacity and Head End Power output capacity allow for a corresponding adjustment to Section 5.7.3?	No.
203	The answer to question #13 in Addendum #1 advises the Offeror to assume an average load of 45 kW/car for train simulations. Section 9.2 of the Technical Specification describes two of the train simulation scenarios as "3 cars + 1 cab" and "4 cars + 1 cab". For the purpose of the train simulations, does a "cab" also draw 45 kW of Head End Power?	Yes.
204	Regarding SBE participation: Is Vendor permitted to present SBE information on second and third tier suppliers?	Yes.
205	Taking into consideration the revised schedule, detailed in Addendum 4, will IDOT issue a suitable extension for the submittal of questions regarding this Request for Proposal beyond the original September 12 <sup>th</sup> deadline? Bidder respectfully suggests that the deadline be extended to September	No extension will be granted at this time. Additional questions can be submitted at and after Confidential Discussions and prior to the last day to submit questions (Nov. 7, 2013) before the Final Offer.



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	25 <sup>th</sup> .	
206	Offeror understands that Packet 2 (Pricing) is not required by IDOT as part of the Draft Proposal, which is due on October 3rd. Please verify that Offeror may revise and submit updated versions of Packets 1, 3 and 4 in the Final Proposal, which is due November 27 <sup>th</sup> .	Yes, Offerors may revise and submit updated versions of Packets 1, 3 and 4 in the Final Offer.
207	Offeror respectfully requests that the deadline for Draft Proposal submission be extended by three weeks, to October 24 <sup>th</sup> . Please take into consideration that Offeror's supply base must be consulted on issues relating to Buy America, Standardization and Small Business Enterprise. A three week extension provides Offeror sufficient time to gather external inputs and thus develop a more accurate draft which will in turn guide private discussions.	No extension will be granted at this time. Offerors are encouraged to include as much information as available in the Draft Offers relating to all requirements in the RFP, including Buy America and Standardization. Information as to the Offerors expectation of meeting all Buy America requirements or likelihood of requesting Buy America waivers is highly encouraged even if not finalized.
208	Please verify that Packet 2, Pricing, need not be submitted with Draft Proposal. In particular, please verify that this applies to each and every deliverable contained within the scope	Packet 2, Pricing, must not be submitted with Draft Offer. This applies to each and every deliverable contained within the scope of Packet 2.



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	of Packet 2.	
209	What will be the process for making revisions (including additions and/or deletions) to the Draft Offer following submittal on October 3 <sup>rd</sup> ? Will revisions be required prior to the Final Offer submittal on November 27 <sup>th</sup> , or can all revisions be incorporated into the Final Offer?	Draft Offers will not be used in the Evaluation of Final Offers. It is understood that some information in a Final Offer will be revised, added, deleted, or otherwise modified from the Draft Offer. Final Offers are to be a complete document in their entirety. The Offeror should incorporate all revisions into the Final Offer.
210	<p>The language in question states:</p> <p>“The computer based reliability database shall be able to interface with the Customers existing reliability and maintenance tracking system. Data recorded in the Contractor’s computer based reliability database shall be transferable to the Customer’s own maintenance or reliability database. The field to be transferred/downloaded and format (e.g., comma-separated variables) shall be the subject of a design review.”</p> <p>Question 1.) Please identify and describe in detail the existing customer maintenance and reliability database?</p> <p>Question 2.) Is there a particular</p>	<p>Q1: The current database is maintained by Amtrak.</p> <p>Q2: Not at this time.</p> <p>Q3: At this time, assume that the data for each state will be the same.</p>



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	<p>format or software that is required to interface directly with the customer's system?</p> <p>Questions 3.) Are the systems different for Illinois, Washington and California? Alternatively, are they all the same? Is the same data required for each state?</p>	
211	<p>Please verify that the LCC Model (plus spares, tools, TA support) cost and price is to be submitted with the Final Proposal on November 27<sup>th</sup>. Offeror's current understanding is that no LCC Model is required for the Draft Proposal submission.</p>	<p>Yes, the LCC Model (plus spares, tools, technical support) cost and price is to be submitted with the Final Proposal. No LCC Model is required for the Draft Offer submission.</p>
212	<p>In section 25.3 of the PRIIA Specification document it states that, "Fuel consumption shall be optimized to allow for the lowest possible life-cycle costs." How does IDOT plan to confirm the accuracy of each Offeror's fuel consumption and fairly compare across submissions?</p>	<p>IDOT / Caltrans will conduct an independent review of the Offeror's simulations. Each Offer must include speed-tractive effort (TE) charts and charts identifying throttle position/Brake Horsepower/Traction Horsepower, with respect to fuel consumption for each throttle position.</p> <p>IDOT / Caltrans expects the data provided by Offerors to be reported accurately, however reserve the right to have the Offeror submit their product to an independent test to verify reported fuel consumption. In the event such a test is demanded by IDOT/Caltrans it will be paid by change order if the results reflect the reported data but will be paid by the Offeror if it does not.</p>



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213	<p>Regarding: Packet 3 – Tab 3: Offeror Provided Confidential Documents: Offeror shall include any Confidential Documents as described in RFP Section A.7.5</p> <p>Please confirm that the in Addendum #4 requested Draft Offer will be treated as confidential, and that it will not be subject to FOIA (freedom of information act) requests.</p> <p>If the submitted Draft Offers will be treated confidential as stated above, please confirm that the draft proposal submittal does not need to include a redacted copy of the offer with confidential documents and that such confidential documents shall only be included in Packet 3 Tab 3 when submitting the final proposal on November, 27, 2013.</p>	<p>Draft Offers are subject to the Illinois Freedom of Information Act (5 ILCS 140) (“FOIA”) and the Illinois State Records Act (5 ILCS 160). FOIA provides, in part, “[i]nformation prepared...for the [State Agency] in preparation of a bid solicitation shall be exempt [from disclosure] until an award or final selection is made.”</p> <p>Draft Offers will become part of the procurement file. Vendors are encouraged to consult with legal counsel regarding claims for exemptions from disclosure for proprietary, privileged, or confidential information under FOIA law.</p>
214	<p>Offeror has already circulated CER 2.7 (Buy America Component Supplier Certificates). A substantial effort has already been expended. Can this alternate wording be optional, i.e., can either the original form or the amended form be submitted with the proposal?</p>	<p>For the purposes of this RFP and any resulting contract, Master Agreement, and Ordering Agreements, form CER 2.7 “Buy America Component Supplier Certification Form” will remain as it appears in the RFP. For all Offerors, and for all Component Suppliers that sign form CER 2.7, form CER 2.7 will be understood to contain the following sentence:</p> <p>“The above named supplier hereby certifies that all Buy America Components listed in the table below are manufactured in the United States and hereby certifies that it will comply with the FRA Buy America requirements of 49 U.S.C. Section 24405(a)(1).”</p> <p>Form CER 2.7 will be accepted as it appears in the RFP or as modified to include the above sentence. Accordingly, an Offeror who has already distributed form CER2.7 as presented in the RPF will not be</p>



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		required to distribute a modified form CER 2.7.
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